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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/551,110	04/18/2000	Kevin J. Gaughan	DF-7159	2550

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ZENITH ELECTRONICS CORPORATION  
2000 MILLBROOK DRIVE  
LINCOLNSHIRE, IL 60069

EXAMINER

DEMICO, MATTHEW R

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 01/26/2004

9

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/551,110

Applicant(s)

GAUGHAN ET AL.

Examiner

Matthew R Demicco

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 44-65 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 44-47 and 54-65 is/are rejected.
- 7) ☒ Claim(s) 48-53 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

1. This action is responsive to an amendment filed 10/5/03. Claims 44-63 are pending.  
Claim 44 is amended. Claim 64 and 65 are new.

***Terminal Disclaimer***

2. The terminal disclaimer filed on 10/6/03 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of prior Patent No. 6,073,171 has been reviewed and is accepted. The terminal disclaimer has been recorded.

***Response to Arguments***

3. Applicant's arguments with respect to claims 44 and 60 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 44-47, 54-57 and 59-65 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,940,074 to Britt, Jr. et al. in view of U.S. Patent No. 5,991,308 to Fuhrmann et al.

Regarding Claim 44, Britt discloses a web television (See Figure 1) comprising a display (See Figure 3). Britt further discloses that the web television device may be built into the television set (Col. 5, Lines 21-23). It is inherent that such a television set would have a tuner wherein the tuner is arranged to select television video for display on the display. Further disclosed is an Internet module (Col. 4, Lines 6-33), arranged to supply Internet video for display on the display (Col. 5, Lines 28-30) wherein the Internet video is derived from Internet communications between the web television and internet content providers (Col. 5, Lines 23-27) as is well known in the art. The Internet module is programmed to execute a first software code (Col. 6, Lines 26-27). Britt additionally discloses a "WebTV server" which supports the clients (Col. 4, Lines 45-55) through Internet communication. These servers include a computer system (Col. 4, Line 58 – Col. 5, Line 5) for communication with the clients for software upgrade and configuration purposes (Col. 7, Lines 20-30). The server computer must inherently be programmed to execute a second software code as is well known in the art. The web television system of Britt is further aware of the version of software it is running (Col. 9, Lines 19-22). This information is necessary in order that the web television may update itself automatically with the latest code versions available on the network. The WebTV server of Britt reads on the claimed "television controller" that is separate from the Internet module and being computer based, wherein the controller is arranged to communicate with the Internet module using a message format, wherein the television controller is programmed to execute a second software code. What Britt doesn't disclose, however, is the transmission of the identification information between software programs. Fuhrmann discloses a cable

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television system with bi-directional data communication wherein a software revision number is transmitted from a client to a receiver in order for the receiver to check its software version for compatibility (Col. 95, Lines 11-22). Fuhrmann is evidence that ordinary workers in the art would recognize the benefit of being able to compare software revision information between programs in order to guarantee compatibility. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the web television with automatic software version updating of Britt with the communication of software revision information transmission of Fuhrmann such that the web television would be able to compare revisions of installed programs with available updates.

Regarding Claims 45-47, Britt in view of Fuhrmann disclose a system as stated above in Claim 44. Fuhrmann discloses the identification comprises a revision number as stated above. A version number, as is well known in the art, often consists of a major and minor number, such as 1.2. The first number indicates the release version, while the digit to the right of the decimal place indicates the revision thereof. Therefore, version and revision numbers are often inherently tied together and consequently synonymous in the art.

Regarding Claim 54, Britt in view of Fuhrmann disclose a system as stated above in Claim 44. Fuhrmann discloses that the client sends the receiving unit its software revision numbers (Col. 95, Lines 11-16). This reads on the claimed identification identifies the first software code and wherein the controller is arranged to receive the identification from the Internet module.

Regarding Claim 55-57, Britt in view of Fuhrmann disclose a system as stated above in Claim 54. The identification could comprise a version number or revision number as stated above due to the fact that in the art, version and revision numbers are synonymous.

Regarding Claim 59, Britt in view of Fuhrmann disclose a system as stated above in Claim 44. Fuhrmann teaches that receiving unit can request data from a sending unit (Col. 95, Lines 7-10). Therefore, the Internet module could make a request of the television controller for information regarding identification information, such as the identification of the second software code, as stated above.

Regarding Claim 60, Britt in view of Fuhrmann disclose a web television comprising a display, a tuner arranged to select television video for display, a television controller, an internet module that is arranged to supply internet video for display on the display wherein the Internet video is derived from Internet communications between the web television and Internet content provider, wherein the television and Internet controllers are arranged to communicate messages with one another, and wherein one of the messages contains software identification information as stated above in Claim 1.

Regarding Claims 61-63, Britt in view of Fuhrmann disclose a web television as stated above in Claim 60. The identification could comprise a version number or revision number as stated above due to the fact that in the art, version and revision numbers are synonymous.

Regarding Claim 64, Britt in view of Fuhrmann disclose a web television as stated above in Claim 44. Britt further discloses that the television controller comprises a microprocessor (Col. 4, Line 63).

Regarding Claim 65, Britt in view of Fuhrmann disclose a web television as stated above in 44. Britt further discloses that the television controller may include I/O devices such as a display monitor (Col. 5, Line 2). It is therefore inherent there must be a raster controller present to operate the display monitor.

6. Claim 58 is rejected under 35 U.S.C. 103(a) as being unpatentable over Britt, Jr. et al. in view of Fuhrmann et al. and further in view of well-known prior art.

Regarding Claim 58, Britt in view of Fuhrmann disclose a system as stated above in Claim 44. Fuhrmann further discloses a system wherein the receiver of a message receives a "hello" message from the sender (Col. 95, Lines 11-16). Official Notice is hereby taken that it is well known in the art of digital communication that a handshake, involving a "hello" message followed by a reply from the recipient, is necessary when beginning a conversation or data transmission. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the system of Britt in view of Fuhrmann with the handshake of the well-known prior art in order to establish reliable digital communications. This reads on the claimed television controller being arranged to send a signal to the Internet module, wherein the signal indicates that the controller is going to send a message, and wherein the Internet modules

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responds to the signal with an acknowledgement indicating to the television controller that it may send a message.

7. Claims 48-53 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew R Demicco whose telephone number is (703) 305-8155. The examiner can normally be reached on Mon-Fri, 9am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-5359.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

jmro

mrd  
January 9, 2004



**VIVEK SRIVASTAVA  
PRIMARY EXAMINER**